

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

EDWARD V. HUMMEL,	:
Petitioner	:
v.	: Case No. 3:11-cv-279-KRG-KAP
DAVID PITKINS,	:
Respondent	:

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

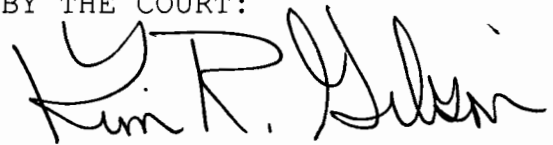
The Magistrate Judge filed a Report and Recommendation on December 13, 2011, docket no. 3, recommending that the petitioner's petition for a writ of habeas corpus be denied and that a certificate of appealability be denied.

The parties were notified that pursuant to 28 U.S.C. § 636(b)(1), they had fourteen days to file written objections to the Report and Recommendation. Petitioner has filed several motions since then seeking to amend his petition, docket no. 4, docket no. 7, to hold an evidentiary hearing, docket no. 6, and to have this court stay the re-trial of petitioner in the Court of Common Pleas of Clearfield County, docket no. 5, docket no. 11. The respondent has filed replies to these motions. After de novo review of the record and the Report and Recommendation, the following order is entered:

AND NOW, this 28<sup>th</sup> day of February, 2012, it is

ORDERED that the petitioner's petition for a writ of habeas corpus is denied. A certificate of appealability is denied. The Report and Recommendation is adopted as the opinion of the Court. The pending motions at docket no. 4, docket no. 5, docket no. 6, docket no. 7, and docket no. 11 are denied. The Clerk shall mark this matter closed.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

KIM R. GIBSON,  
UNITED STATES DISTRICT JUDGE

Notice by ECF to counsel of record and by U.S. Mail to:

David Rothman, Esquire  
5825 Fifth Avenue, Apt. 104-A  
Pittsburgh, PA 15232